

OFFICIAL MINUTES MAY 11, 2016 7:00
CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING

MEMBERS	PRESENT	ABSENT	EXCUSED
Eric Niemeyer	X		
Erich Ferchau			X
Andy Tocke	X		
Bob Beda	X		
Sharon Cave			X
Greg Larson	X		
Councilor Matt Schwartz	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera, Planning Technician Michelle Spain.

APPLICATION- CU 16-2, SUBMITTED BY MIKE COLE, GUNNISON VALLEY DEVELOPMENT, FOR A SINGLE FAMILY DWELLING IN THE COMMERCIAL ZONE DISTRICT.

Open Public Hearing. Chair Larson opened the public hearing at approximately 7:01 p.m.

Proof of Publication. Proof of publication was entered into the record.

Review of Process. Planner Ruggera commenced the application review.

The City's *Land Development Code (LDC)*, Section 2.6 states that a multi-residential use requires a Conditional Use permit to exist in the Commercial (C) district zone. Conditional Uses are those land uses that are generally compatible with the permitted uses in a zone district, but require site-specific review of their location, intensity, density, configuration and operating characteristics. Conditions may be imposed in order to ensure compatibility of the uses at a particular location and mitigate potentially adverse impacts.

The *LDC* Section 7.2 specifies that Conditional Use applications be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a Public Hearing after 15 days public notice. The Commission may approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification. The applicant is Mike Cole for Gunnison Valley Development LLC. He is requesting a Conditional Use for a Single Family Residence in the Commercial district. The legal description is Lots 15-17, Block 25, West Gunnison Addition. There is residential R-3 use along the south side of the parcel, and Commercial retail use along Tomichi Avenue. The site plan supplied in the packet shows Single Family on the north side of the parcel and the south will have future development. This type of development has not been identified. Any future Commercial development is subject to

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compliance with Table 2-3, the Principal Use Table of the Land Development Code. Any additional residential units would require a Conditional Use permit submitted to this Board.

Applicant Presentation.

Michael Cole for Gunnison Valley Development LLC. His intentions will be to condominiumize it at a later date. Mr. Cole asked for clarification on the process in the future. If things change he could utilize commercial. No further description from the applicant or questions from the Commission.

Public Input. None

Staff Presentation.

APPLICANTS

The applicant, Mike Cole, Gunnison Valley Development, is requesting a Conditional Use for the construction of a single family dwelling with the future development of up to two more residential units in the Commercial zone district. The legal description of the property is Lots 15-17, Block 25, West Gunnison Addition, City and County of Gunnison, Colorado. The applicants' narrative states:

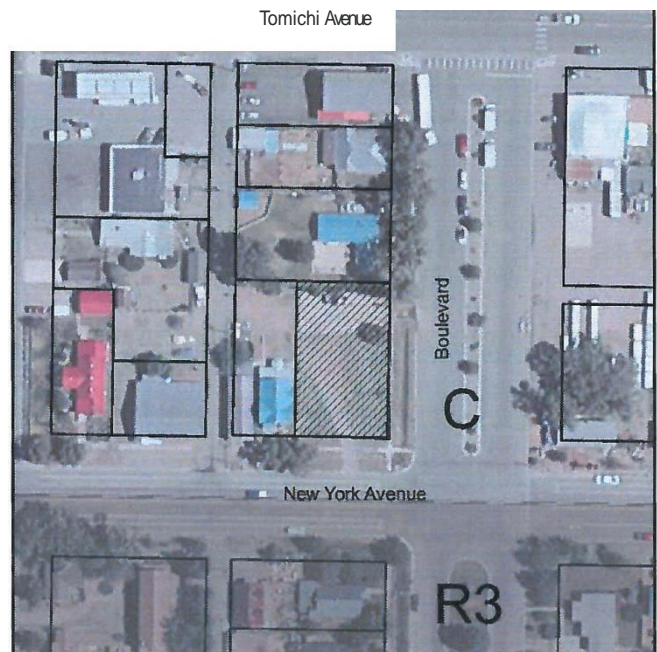
"Lots are now zoned commercial with conditional residential allowed. There is a mix-of residential and commercial in the area, but mostly residential. Proposing to build two story residential. Lower level will be a two car garage with an office space and bathroom. Upper level kitchen, 2 bedrooms, bathrooms, and living room. See attached plans.

Do not want to sacrifice future commercial usage as long as commercial requirements are met."

SITE ASSESSMENT

The property is located on the northeast corner of Boulevard and New York Avenue within the Commercial zone district. The R3 residential district zone is located to the south and surrounding uses are residential with commercial retail in the close vicinity along Tomichi Avenue.

The vacant property is three lots (9,375 square feet). The applicant is proposing a two story single family dwelling to the north of the property. The applicant anticipates future development of the southern portion of the lot but, specific details of potential future uses have not been identified. The site provides ample room to comply with all dimensional standards for a single family dwelling unit.

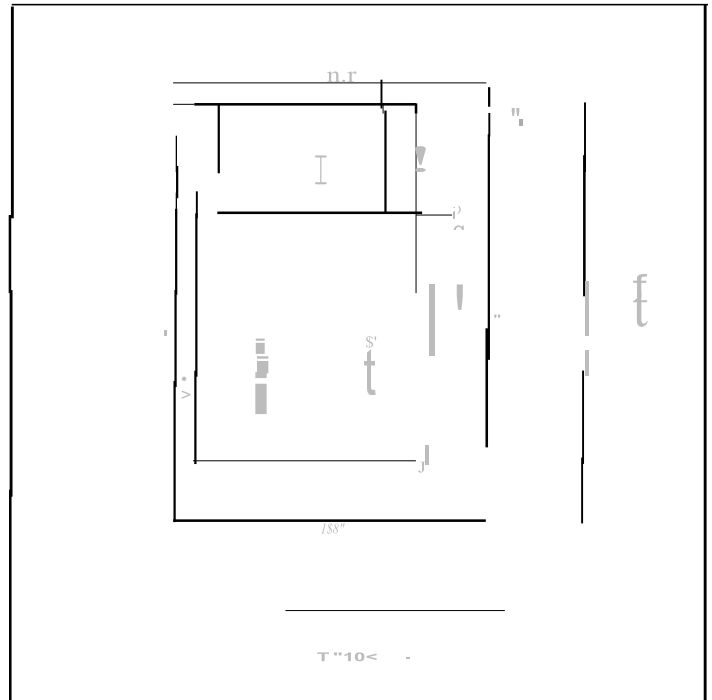


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The *LDC* states that no more than one single family dwelling shall be permitted on any legal lot unless the single family dwelling units are part of a Common Interest Community and the development plan is found to be in compliance with the dimensional standards of the *LDC*. If the applicant desires additional residential units in the future a Conditional Use will be required. Along with the Conditional Use any additional units that are proposed as single family dwellings will require a common interest community plat (Subdivision Exemption).

Any future commercial development is subject to compliance with Table 2-3, Principal Use Table within the *LDC*.

There is a three-year expiration on this application as one of the conditions. The other condition was that any additional units would require a Conditional Use application.



Commission Discussion.

Commissioner Niemeyer indicated the use of this application fits this area.

Commissioner Beda asked how many units could be placed on this parcel. Planner Ruggera responded 3 units total. Commissioner Beda asked about taking commercial property and changing it to residential. Director Westbay responded that this area is off the main corridor. It does not generate a great amount of sales tax. We are reaching our capacity of commercial property at 85% full. That does exclude Gunnison Rising. Hopefully we can promote infill development.

Commissioner Tocke asked about the 85%, is it occupied. Director Westbay responded that 85% is currently built out.

Commissioner Beda indicated that this is a commercial zone. Owners need to be reminded that they are residing in a commercial zone. Commissioner Beda indicated it is a good use for this area.

Commissioner Larson indicated that office space would work well here.

Close Public Hearing. Chair Larson closed the public hearing at 7:10 pm

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ACTION

During the Planning and Zoning Commission meeting of May 11, 2016, Commissioner Tocke moved, Commissioner Niemeyer seconded and the Planning and Zoning Commission voted to APPROVE Conditional Use application, CU 16-2, submitted by Mike Cole, Gunnison Valley Development, for a single family dwelling on Lots 15-17, Block 25, West Gunnison Addition, with the following findings of fact and conditions:

Findings of Fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this application is for a Conditional Use to allow the applicant to construct a single family dwelling in the Commercial zone district.
3. The Planning and Zoning Commission finds that a single family dwelling at this location is compatible with the surrounding neighborhood.
4. The Planning and Zoning Commission finds that the site provides ample room to comply with the standards of the *LDC* and final review of the site will be conducted during the building permit process.
5. The Planning and Zoning Commission finds that the proposed single family dwelling use will not have a significant effect on future City sales tax revenues.
6. The Planning and Zoning Commission finds any additional dwellings would require Conditional Use approval and additional single family dwellings require a Common Interest Community Plat.
7. The Planning and Zoning Commission finds that future commercial uses shall be subject to Table 2-3, Principal Use Table of the *LDC*.
8. The Planning and Zoning Commission finds that the single family dwelling use will not affect the health, safety or welfare of the community.
9. The Planning and Zoning Commission finds that the review standards for Conditional Uses have been or will be met based on the following condition:

Conditions:

1. The applicant shall apply for a building permit for a single family dwelling prior to Conditional Use expiration of May 11, 2019.
2. Any additional dwelling units on this site shall require Conditional Use approval and

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additional single family dwellings shall also require a Common Interest Community Plat.

Roll Call Yes: Beda, Larson, Schwartz, Niemeyer, Tocke

Roll Call No:

Abstain:

Absent: Cave, Ferchau Motion: Passed by Majority

V. Minutes of the April 27, 2016 Meeting

Councilman Schwartz moved, and Commissioner Beda seconded, and the Commission voted to approve the minutes of the April 27, 2016 meeting as presented.

Roll Call Yes: Larson, Niemeyer, Beda, Schwartz

Roll Call No:

Abstain: Tocke

Absent: Cave,

Ferchau

Motion: Passed by Majority

VI. COUNCIL UPDATE

Councilman Schwartz commenced his review.

- May 3rd work session Bid Bond Requirement. Our charter states that we need 100% bond on bids. This will be changed to a 5% bid bond for jobs under \$500,000.00 and 10% bid bond on jobs over \$500,000.00.
- Renewals on pet licenses will be changed to January annually.
- Discussed a letter to CDOT on support of Complete Streets. Region 3 will be our partner on this project.
- Discussed the draft of The Downtown Sidewalk Ordinance on 1st read.
- Chamber of Commerce visitor center will be funded on certain conditions. Councilman Schwartz met with Eric and Brian on a business plan to be due in July. Release of funds has been requested. Also Council required that part of the funds for an impact study be set aside. A request from Council was made for research of other community's programs for their visitor centers. Commissioner Larson responded that in years past records were kept on how many people contacted the Chamber. How do you get these numbers? What really needs to be measured? They amended the contract and funds were released.
- May 10th meeting on the Sidewalk Ordinance changes. It was well attended. TL Livermore indicated that the language was confusing on the clear access area. Requirements of merchandise to be displayed adjacent to the building. Cafe Seating was not required to be adjacent to the building. Both should be allowed but not in the 3' curb buffer for doors, or the 6' clear access. Planner Ruggera

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reviewed her visuals of the streets that she prepared. Director Westbay indicated that there will be two types of license. One is a Council license for a permanent structural change in the right of way. The other is an Administrative license for the placement of their products in the right of ways on a regular basis. Both licenses will have requirements for insurance, indemnifications, and annual renewals. Discussion on the agreements ensued. Commissioner Larson indicated the space was tight. Alcohol has other regulations to be followed.

- Bike racks were reviewed. Using off street parking for corrals was looked at. Director Westbay indicated that the Virginia area was an excellent spot for additional bike racks. Many variables were discussed. Commissioner Tocke indicated that it looks like the City is promoting more bike usage. So looking at areas to park bikes is important. Commissioner Beda asked about the bikers that use posts to lock bikes on. Who will enforce this? All agreed that education was important. Bike corrals were discussed and how the bikers would use them. Councilman Schwartz indicated that council would be working with the various business owners to assist in the transition. Nothing is permanent. It is an experiment right now. Commissioner Niemeyer recommended the possible use of a Jersey Barrier. These could supply security for the bikes, easy to move by City crews and supply enough ingress and egress. Councilman Schwartz indicated that the meeting was well received.
- Passed the Sidewalk Ordinance and the Pet License renewal all on 1st Readings.
- Passed the Purchasing Policy on 2nd Reading.
- Attorney Kathleen Fogo brought up the need for a backup attorney for this municipality. She asked that Marcus Locke be appointed to this position. Council approved.
- A letter was authorized to be sent to Governor Hickenlooper to veto a bill that states municipalities will appoint an attorney for any individual that is in custody for their first hearing. Basically that does not happen here but Denver and surrounding areas will deal with this situation. Concerns are, the right to council is already set under federal law. It is also an unfunded mandate from the State.

VII. COMMISSIONER COMMENTS

Councilman Schwartz indicated that he will need to be excused in the near future for medical reasons.

Director Westbay indicated one person had applied for the Planning and Zoning board and the approval process will be in the next two weeks.

Commissioner Niemeyer moved, and Councilman Tocke seconded, and the Commission voted to excuse Commissioner Ferchau from this meeting.

Roll Call Yes: Beda, Larson, Schwartz, Tocke, Niemeyer

Roll Call No:

Abstain: Tocke Absent: Cave, Ferchau

Motion: Passed by Majority

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Councilman Schwartz reviewed the Executive Session meeting regarding the applications for the City Manager position. There were 51 total applicants. Commissioner Niemeyer asked about what percent were the applicants from this area as opposed to out of our County. Councilman Schwartz was unsure. Councilman Schwartz responded that they were given a total of 20 to review. They were divided into two tiers. Council reduced the number and they will be looking at the finalists and have direct interviews June 13, 14, and 15. The public will be invited in the final process.

VIII. PLANNING STAFF UPDATE

Director Westbay commenced his review.

- Currently working on Main Street sidewalks and the Complete Streets Project.
- Colorado Pedals Grant application is being applied for. On the 26th of May we will be having a meeting on this. There will be a press release on this next week. This is basically the Tomichi street area. CDOT Region 3 is our partner on this grant request. Rifle has also applied and they have been give positive feedback on their request. Rifle's request is more of a regional trails concept.
- Video plans were then reviewed. Lane geometry and 11th Street has a very unique design. The project does include a parking protected bike lane. Pedestrian signage at Spruce and Pine was reviewed. The bus stop at Safeway may be relocated. Main Street with bulb outs and protected bike lanes were looked at. This will change to a 60' crossing area, great for pedestrians. Tractor trailer tum radius was discussed. East bound Highway 50 was reviewed and stacking problems discussed. Commissioner Niemeyer asked about designating Colorado as a large truck route. Discussion ensued about this being a residential area. The next section was the park area to be discussed. Pedestrian access from one park to the next crossing Tomichi showed a "Z" intersection. There will be a "rapid flashing activated signal" installed. There will be center islands to assist pedestrians with safer crossing. Numerous designs were looked at. Drainage on the center of mediums for Highway 50 was reviewed. There is a section that will want to drain north and curb design will be reviewed. The colors on the concrete were discussed. Some of these concepts will be posted in next week's paper. 10th street access from the high school was looked at. This will need to be modified for safety. Bus routes will change and the school has been notified. The new design will slow traffic entering into the city. Round a bouts and their locations were discussed. This will be phased. The 3 intersections will be the first areas. All other enhancements will be implemented as funds become available.
- Lazy K property will have an open house on May 25th, from 5-7pm. The University of Colorado Denver (UCD) staff will be presenting their findings.

IX. ADJOURN 8:20 pm

Attest:

Greg Larson, Chair

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Michelle Spain, Secretary